



339741

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OEPA Permit No. E364\*AD

Application No. OH0063797

Effective Date: August 22, 1979

Expiration Date: August 21, 1984

OHIO ENVIRONMENTAL PROTECTION AGENCYAUTHORIZATION TO DISCHARGE UNDER THENATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq. hereinafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

The Union Carbide Corporation  
Linde Division  
North Royalton Plant


is authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge from the wastewater treatment works located

at 14788 York Road, North Royalton, Ohio

and discharging to Unnamed tributary of the East Branch of the Rocky River

in accordance with the conditions specified in Parts I, II and III of this permit.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

  
James F. McAvoy  
Director

PART I, A - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfalls: E364001. SEE PART II, OTHER REQUIREMENTS, for location of effluent sampling.

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
REPORTING Code	UNITS	PARAMETER	Concentration Other Units (Specify)		Loading kg/day		Meas.	Sample
			30 day	Daily	30 day	Daily	Freq.	Type
00056	GPD	Flow	-	-	-	-	1/month	Estimate of aver. daily flow
00010	°F	Temperature	-	-	-	-	1/month	grab

This discharge is limited to non-contact cooling water and storm runoff free from process waste and other contaminants.

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 1/month by grab sample.
3. Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.
4. See PART II, OTHER REQUIREMENTS.

PART II, OTHER REQUIREMENTS

- A. Description of the location of the required sampling stations are as follows:

<u>Sampling Station</u>	<u>Description of Location</u>
E364001	outfall to small creek via drain tile behind NW quadrant of plant

- B. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under sections 301(b)(2) (C), and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

- (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

- C. In the event the permittee's operation shall require the use of water treatment additives, written permission must be obtained from the Ohio Environmental Protection Agency. This permittee shall demonstrate that the use of the additive in the concentrations expected will not be harmful or inimical to aquatic life as determined by acute static bioassays.

PART I, C. - SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with specified effluent limitations in accordance with the following schedule:

Not Applicable

1. DEFINITIONS

- A. 1. The "daily load limitations" is the total discharge by weight during any calendar day. If only one sample is taken during a day, the weight of pollutant discharge calculated from it is the daily load.
2. The "daily concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of concentration made during the day. If only one sample is taken during the day its concentration is the daily concentration. Coliform bacteria limitations compliance shall be determined using the geometric mean.
3. The "7-day load limitation" is the total discharge by weight during any 7-day period divided by the number of days in that 7-day period that the facility was in operation. If only one sample is taken in a 7-day period the weight of pollutant discharge calculated from it is the 7-day load. If more than one sample is taken during the 7-day period the 7-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 7-day period and dividing by the number of days sampled.
4. The "7-day concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of daily concentration limitation made during the 7-day period. If only one sample is taken during the 7-day period, its concentration is the 7-day concentration limitation for that 7-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.
5. The "30-day load limitation" is the total discharge by weight during any 30-day period divided by the number of days in the 30-day period that the facility was in operation. If only one sample is taken in a 30-day period the weight of pollutant discharge calculated from it is the 30-day load. If more than one sample is taken during one 30-day period the 30-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 30-day period and dividing by the number of days sampled.
6. The "30-day concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of daily concentration made during the 30-day period. If only one sample is taken during the 30-day period, its concentration is the 30-day concentration for that 30-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.
7. "Weighted by flow" means the summation of each sample concentration times its respective flow in convenient units divided by the summation of the respective flows.
- B. "85 percent removal limitations" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.
- C. 1. Absolute Limitations. Compliance with limitations having descriptions of "shall not be less than", "nor greater than", "shall not exceed", "minimum", or "maximum", shall be determined from any single value for effluent samples and/or measurements collected.
2. "Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which supplies water to the given process. For the purposes of this definition samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.
3. "Net load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition samples that are taken to determine the net loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.
- D. 1. When Quarterly sampling frequency is specified, the sampling shall be done in the months of March, June, August and December.
2. When a Yearly sampling frequency is specified, the sampling shall be done in the month of September.
3. Winter shall be considered to be the period from November 1 thru April 30.
4. Summer shall be considered to be the period from May 1 thru October 31.
- E. 1. "MGD" means million gallons per day
2. "mg/l" means milligrams per liter
3. "ug/l" means micrograms per liter
- F. "Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

2. GENERAL EFFLUENT LIMITATIONS

The effluent shall, at all times, be free of substances:

- A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;
- B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;
- C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
- D. In amounts that either singly or in combination with other substances that are toxic to human, animal, or aquatic life;

E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;

F. In amounts that will impair designated instream or downstream water uses.

### 3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

- A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.
- B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.
- C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by the Ohio EPA as specified in the Paragraph in this PART III entitled, "UNAUTHORIZED DISCHARGES".

### 4. REPORTING

- A. Monitoring data required by this permit shall be reported on the Ohio EPA report form (EPA-Sur-1) on a monthly basis. Individual reports for each sampling station for each month are to be received no later than the 15th day of the next month. The original plus first copy of the report form must be signed and mailed to:

Ohio Environmental Protection Agency  
Technical Records Section  
Post Office Box 1049  
Columbus, Ohio 43216

- B. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified below, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

- C. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be re-reported on Ohio EPA report form (EPA Sur-1) but records shall be retained as specified in the paragraph entitled "RECORDS RETENTION".

### 5. SAMPLING & ANALYTICAL METHODS

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants". The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to insure accuracy of measurements.

### 6. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- A. The exact place, date, and time of sampling;
- B. The date and time the analyses were performed on those samples;
- C. The person(s) who performed the analyses;
- D. The analytical techniques or methods used; and
- E. The results of all analyses and measurements

### 7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years.

- A. All sampling and analytical records (including internal sampling data not reported);
- B. All original recordings for any continuous monitoring instrumentation;
- C. All instrumentation, calibration and maintenance records; and
- D. All plant operation and maintenance records.

These periods will be extended during the course of any unresolved litigation, or when so requested by the Regional Administrator or the Ohio EPA.

### 8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate District Offices of the Ohio EPA. Both Section 308, Public Law 92-500 and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in the Ohio Revised Code Section 6111.99.

#### 9. RIGHT OF ENTRY

The permittee shall allow authorized representatives of the Ohio EPA and US EPA upon the presentation of credentials;

- A. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- B. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

#### 10. UNAUTHORIZED DISCHARGES

- A. Unless specifically authorized in Part I of this permit, deliberate by-passing or diverting of wastewater from the treatment works is prohibited except when necessary:

1. To prevent loss of life;
2. To prevent severe property damage;
3. To prevent damage to treatment works or processes; or
4. To allow essential maintenance to be performed according to a schedule approved in writing by the Ohio EPA District Office.

- B. While typical unauthorized discharges are those resulting from pipeline breaks, equipment malfunctions or failures, operator errors, accidents, process interruptions, or power failures, all unauthorized discharges shall be reported according to the following procedure:

1. Report within one hour of discovery to Ohio EPA by calling (toll free) 1-800-282-9378.

2. For these telephone reports the following information must be included:

- a. the times at which the discharge occurred, and was discovered;
- b. the approximate amount and the characteristics of the discharge;
- c. the stream(s) affected by the discharge;
- d. the circumstances which created the discharge;
- e. the names and telephone numbers of the persons who have knowledge of these circumstances;
- f. what remedial steps are being taken;
- g. the names and telephone numbers of the persons responsible for such remedial steps.

3. These reports shall be confirmed in writing within seven days of the discharge and submitted to the appropriate Ohio EPA District Office and to the U.S. EPA Regional Administrator. This report should include the information required under "NONCOMPLIANCE NOTIFICATION".

#### 11. NONCOMPLIANCE NOTIFICATION

##### A. Effluent Limitations:

If the permittee is unable to meet any effluent limitations specified in this permit, the permittee shall submit a written report to the appropriate Ohio EPA District Office within seven days of becoming aware of the conditions. The report shall include the following:

1. The limitation(s) which has been violated;
2. The extent of the violation(s);
3. The cause of the violation(s);
4. The period of the violation(s) including exact dates and times;
5. If uncorrected, the anticipated time the violation(s) is expected to continue; and
6. Steps being taken to reduce, eliminate and/or prevent recurrence of the violation(s).

##### B. Compliance Schedule Events:

If the permittee is unable to meet any date for achieving an event, as specified in the Schedule of Compliance, the permittee shall submit a written report to the appropriate District Office of the Ohio EPA within seven days of becoming aware of such situation. The report shall include the following:

1. The compliance event which has been or will be violated;
2. The cause of the violation;
3. The remedial action being taken;
4. The probable date by which compliance will occur; and
5. The probability of complying with subsequent and final events as scheduled.

#### 12. POWER FAILURES

The failure of the primary source of power to a wastewater control facility will not be considered a justifiable basis for non-compliance with effluent limitations. The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastewater during electrical power failures either by means of alternate power sources, standby generators, retention of inadequately treated wastewater or reduced production. Should the treatment works not include the above capabilities at time of issuance of this permit, the provision for such necessary facilities is an integral part of the schedule of compliance. If a schedule of compliance is not included in this permit, a letter with a detailed schedule for providing necessary facilities shall be submitted within 180 days of the effective date of this permit. Such letter will be submitted to the appropriate Ohio EPA District Office.

#### 13. ADVERSE IMPACT

In the event of either an unauthorized discharge or a violation of effluent limitations, the permittee shall take all reasonable steps to minimize any adverse impact on the waters of the State. This may include accelerated or additional monitoring to determine the extent of the impact of unauthorized discharge or the violation of limitations. If such additional monitoring is performed, the data collected shall be included in the written report submitted to the appropriate Ohio EPA District Office.

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such a violation may result in the imposition of civil and/or criminal penalties as provided for in Section 309 of the Act, and Ohio Revised Code Sections 6111.09 and 6111.99.

15. DISCHARGE CHANGES

The following changes must be reported to the appropriate Ohio EPA District Office as soon as practicable.

## A. For publicly owned treatment works:

1. Any proposed plant modification, addition and/or expansion that will change the capacity or efficiency of the plant;
2. The addition of any new significant industrial discharge; and
3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which will result in significant new or increased discharges of pollutants.

## B. For non-publicly owned treatment works, any proposed facility expansions, production increases, or process modifications, which will result in new, different, or increased discharges of pollutants.

Following this notice, modifications to the permit may be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required. Chapters 6111.44 and 6111.45, Ohio Revised Code, require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

16. TOXIC POLLUTANTS

If a toxic effluent standard or prohibition (including a schedule of compliance) is established under Section 307(a) of the Act for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition (including a schedule of compliance) is more stringent than any limitation upon such pollutant in this permit, the Director shall modify this permit in accordance with the toxic effluent standard and so notify the permittee.

17. PERMIT MODIFICATION, SUSPENSION, OR REVOCATION

## A. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, by the Ohio EPA, in whole or in part during its term for cause including, but not limited to, the following:

1. violation of any terms or conditions of this permit;
2. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
3. a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

## B. Pursuant to Rule 3745-33-06, Ohio Administrative Code (Formerly Reg. EP-31-06) the permittee may at any time apply to the Ohio EPA for modification of any part of this permit. The application for modification should be received by the appropriate Ohio EPA District Office at least ninety days before the date on which it is desired that the modification become effective. The application shall be made only on forms approved by the Ohio EPA.

18. TRANSFER OF OWNERSHIP OR CONTROL

This permit cannot be transferred or assigned nor shall a new owner or successor be authorized to discharge from this facility, until the following requirements are met:

- A. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the appropriate Ohio EPA District Office;
- B. The appropriate Ohio EPA District Office must be notified in writing sixty days prior to any proposed transfer of an Ohio NPDES permit. The new owner or successor shall submit a letter to the Ohio EPA requesting the permit be transferred and stating that he will assume the responsibility for this permit; and
- C. The new owner or successor receives written confirmation and approval of the transfer from the Director of the Ohio EPA.

19. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

20. SOLIDS DISPOSAL

Collected screenings, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes into waters of the State.

21. CONSTRUCTION AFFECTING NAVIGABLE WATERS

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.



22. CIVIL AND CRIMINAL LIABILITY

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Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES and POWER FAILURES, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance.

23. STATE LAWS AND REGULATIONS

Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

24. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, state, or local laws or regulations.

25. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.